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AMERICAN SECURITY INSURANCE COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND, CALIFORNIA

**JAMES SUTTON AND LYNETTE
SUTTON,**

Plaintiff,

v.

**AMERICAN SECURITY
INSURANCE COMPANY, a
Delaware Corporation, and DOES 1
THROUGH 10,**

Defendant.

No. 4:10-CV-05624 PJH

The Honorable Phyllis J. Hamilton

**STIPULATED REQUEST FOR
DISMISSAL BETWEEN PLAINTIFFS
JAMES AND LYNETTE SUTTON AND
AMERICAN SECURITY INSURANCE
COMPANY; AND**

**~~[PROPOSED]~~ ORDER DISMISSING
PLAINTIFFS' COMPLAINT AGAINST
AMERICAN SECURITY**

**AMERICAN SECURITY
INSURANCE COMPANY,**

Third Party Plaintiff,

v.

**HARTFORD FIRE INSURANCE
COMPANY,**

Third Party Defendant.

STIPULATED REQUEST FOR DISMISSAL

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiffs

James Sutton and Lynette Sutton (the "Suttons") and Defendant American Security

CBM-IPG/SF533635

STIPULATED REQUEST FOR DISMISSAL BETWEEN PARTIES; ~~[PROPOSED]~~ ORDER

1 Insurance Company ("American Security") jointly ask this Court to dismiss the Suttons'
2 complaint against American Security with prejudice.

3 The Suttons and American Security have resolved their dispute and have
4 entered into a settlement with respect to the issues raised in this action.

5 The parties waive any claim for costs or attorney fees they might have against
6 each other.

7 Dated: December 1, 2011

8 CARROLL, BURDICK & McDONOUGH LLP

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10 By /s/ Raymond J. Tittmann
11 Raymond J. Tittmann

12 Attorneys for Defendant and Third Party Plaintiff
13 AMERICAN SECURITY INSURANCE
COMPANY

14 Dated: December 1, 2011

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17 By /s/ James Sutton
James Sutton

18 Attorneys for Plaintiffs
19 James Sutton and Lynette Sutton
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~~[PROPOSED]~~ ORDER DISMISSING COMPLAINT

The Court has considered the request of Plaintiffs James Sutton and Lynette Sutton (the "Suttons") and Defendant American Security Insurance Company ("American Security") to dismiss the Suttons' complaint against American Security with prejudice under Rule 41(a)(2) of the Federal Rules of Civil Procedure. Good cause appearing, the Court hereby GRANTS that request.

The Suttons' Complaint against American Security is hereby dismissed with prejudice. The parties waive any claim for costs or attorney fees they might have against each other.

Dated: December 2, 2011

By



The Honorable Phyllis J. Hamilton
District Court Judge